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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,011	07/08/2003	Yoshihaya Imamura	239965US3	9522
22850	7590	11/10/2004	EXAMINER	
OBOLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			JONES, DAVID B	
		ART UNIT		PAPER NUMBER
		3725		

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/614,011	IMAMURA, YOSHIHAYA
	Examiner	Art Unit
	David B Jones	3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
 - 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Due to the finding of more pertinent prior art than cited in the last office action, a new rejection of the claims is herein applied. It is regretted that such an action has had to be taken with respect to the application.
2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 3, "the outer surface" lacks clear antecedent basis. In claim 6, "a back of the flange" is unclear and indefinite in nature. Such a location has not been defined and such a widened area is not understood without such definition. In claim 8, "the outer surface of another metallic member" lacks antecedent basis and further attempts to define the flange of the method in terms of a structure not positively recited in the method. Finally all dependent claims to that of claim 1 should be set forth in active method steps to perform the desired operation.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Steingroever. Steingroever teaches the claimed invention including forming (i.e., expanding the work 2 against the member 1, which is considered to be a mold) a flange onto the end part of a tube by way of a single electromagnetic pulse (column 1, lines 20-

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25). It is inherent to all metalworking that when working a workpiece that hardening is induced in its material. Regarding claim 7, see column 9, line 57.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey et al. (Figs. 9 and 10). Harvey teaches the claimed invention including forming (i.e., expanding the work 35 against a mold 34) what can be considered to be a flange onto a tube by way of a single electromagnetic pulse. It is inherent to all metalworking that when working a workpiece that hardening is induced in its material. Hence Harvey et al. teaches the claimed invention excepting forming the flanged area on what is considered to be the end of the metallic member. Harvey teaches as can be seen in Fig. 10 the forming of the flanged area in the central part of the tube. It would have been obvious to one of ordinary skill in the art at the time of the invention to have formed the expanded flanged area wherever desired on the workpiece. To have formed the end of an extended workpiece, etc., would have been an obvious choice of workpiece design and would have in no way affected the process to Harvey et al. Regarding claim 7, see column 3, line 19.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

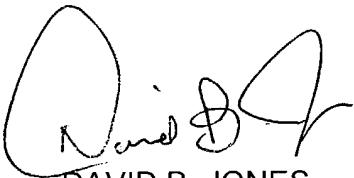
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. JONES whose telephone number is (703) 308-1887.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

In the event that the Applicant(s) wishes to communicate via Fax, the current central Fax number for the patent office is (703) 872-0906

DBJ



DAVID B. JONES
PRIMARY PATENT EXAMINER
ART UNIT 3725